

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

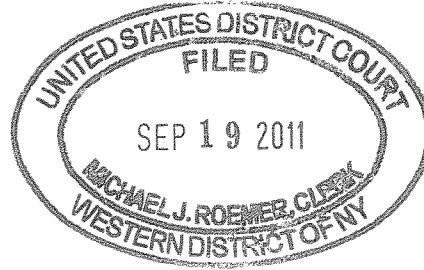
BETHANY MONROE,

Plaintiff,

-against-

ALLIANCEONE RECEIVABLES  
MANAGEMENT, INC.,

Defendant.



11 CV 0783-A

**VERIFIED COMPLAINT**

NOW COMES Plaintiff, Bethany Monroe ("Plaintiff"), by and through her attorneys, Krohn & Moss, Ltd., for his Verified Complaint against Defendant, Allianceone Receivables Management, Inc., ("Defendant"), alleges as follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

Parties

2. Plaintiff is a natural person residing in Lockport, County of Niagara, New York.

3. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).

4. Defendant is a corporation having its principal place of business located in Trevose, Pennsylvania.

5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

8. Because Defendant conducts business in the state of New York, personal jurisdiction is established

9. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

Factual Allegations

10. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt for an electricity/gas bill.

11. Defendant calls Plaintiff on a daily basis from (877) 888-1711, for approximately two (2) months.

12. Plaintiff explained to Defendant several times that she is currently on disability due to a car accident and cannot afford to pay the debt at this time.

13. Plaintiff further informed Defendant that she could pay the alleged debt once her car accident lawsuit would be settled and offered to make small monthly payments in the meantime.

14. In response to Plaintiff’s offer to make small monthly payments, Defendant’s agent, Savannah, told Plaintiff that this was unacceptable, and that she would put it in Plaintiff’s file that she is refusing to pay.

15. Defendant further threatened to garnish Plaintiff’s disability check.

16. Despite being able to reach Plaintiff and despite being informed of her financial situation, Defendant called Plaintiff's mother.

CLAIM FOR RELIEF

17. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692c(b) of the FDCPA by communicating with Plaintiff's mother in connection with the collection of Plaintiff's debt without Plaintiff's prior consent.
- b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which was to harass, oppress, or abuse Plaintiff;
- c. Defendant violated §1692d(5) of the FDCPA by causing a telephone call to ring and/or engaging Plaintiff in telephone conversations repeatedly and/or continuously with the intent to annoy, abuse or harass the Plaintiff;
- d. Defendant violated §1692e(4) of the FDCPA by threatening to garnish Plaintiff's disability check when Defendant cannot take such action.
- e. Defendant violated §1692e(10) of the FDCPA by using false and deceptive means to collect a debt.

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendant for the following:

- (1) Statutory damages of \$1,000.00, pursuant to 15 U.S.C. § 1692k;
- (2) Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- (3) Awarding such other and further relief as may be just, proper and equitable.

Dated: September 12, 2011

KROHN & MOSS, LTD.

By: 

Adam T. Hill

KROHN & MOSS, LTD.

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Attorneys for Plaintiff

VERIFICATION

STATE OF NEW YORK)

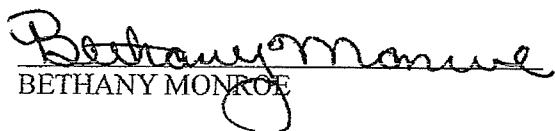
COUNTY OF NIAGARA)

Plaintiff, BETHANY MONROE, being duly sworn, deposes and says:

1. I am the Plaintiff in this civil proceeding;
2. I have read the foregoing Verified Complaint prepared by my attorneys and I believe that all of the facts contained therein are true and correct, to the best of my knowledge, and formed after reasonable inquiry;
3. I believe that this civil Complaint is well ground in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law;
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it;

Pursuant to 28 U.S.C. § 1746(2), I, BETHANY MONROE, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 8/19/11

  
BETHANY MONROE